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7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE EASTERN DISTRICT OF CALIFORNIA

9 HAROLD PAUL MARCHAND,

10 Petitioner,

No. CIV S-05-0020 DFL KJM P

11 vs.

12 RODERICK Q. HICKMAN, et al.,

13 Respondents.

ORDER

14 _____/
15 Petitioner has requested the appointment of counsel. There currently exists no
16 absolute right to appointment of counsel in habeas proceedings. See Nevius v. Sumner, 105 F.3d
17 453, 460 (9th Cir. 1996). However, 18 U.S.C. § 3006A authorizes the appointment of counsel at
18 any stage of the case “if the interests of justice so require.” See Rule 8(c), Fed. R. Governing
19 § 2254 Cases. In the present case, the court does not find that the interests of justice would be
20 served by the appointment of counsel at the present time.

21 Petitioner also has filed a notice, advising the court that his opposition to the
22 motion to dismiss would be untimely because of transportation problems. The opposition has
23 now been filed.

24 Accordingly, IT IS HEREBY ORDERED:

25 1. Petitioner’s August 31, 2006 motion for appointment of counsel is denied
26 without prejudice to a renewal of the motion at a later stage of the proceedings.

1 2. Petitioner's September 15, 2006 opposition to the motion to dismiss is deemed
2 timely.

3 DATED: October 3, 2006.

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6 UNITED STATES MAGISTRATE JUDGE
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